



**COMMENTS OF THE APARTMENT AND OFFICE BUILDING ASSOCIATION OF  
METROPOLITAN WASHINGTON ON**

**NOTICE OF PROPOSED RULEMAKING**

**DISTRICT OF COLUMBIA  
CONSTRUCTION CODES SUPPLEMENT OF 2013  
12 DCMR G PROPERTY MAINTENANCE  
CODE SUPPLEMENT**

**February 22, 2013**

The District of Columbia has adopted the 2012 edition of the *International Property Maintenance Code* (IPMC), as amended by this Supplement.

**IPMC CHAPTERS AMENDED BY THIS SUPPLEMENT:**

CHAPTER 1	ADMINISTRATION AND ENFORCEMENT
CHAPTER 2	DEFINITIONS
CHAPTER 3	REQUIREMENTS
CHAPTER 4	LIGHT, VENTILATION, AND OCCUPANCY LIMITATIONS
CHAPTER 5	PLUMBING FACILITIES AND FIXTURES REQUIREMENTS
CHAPTER 6	MECHANICAL AND ELECTRICAL REQUIREMENTS
CHAPTER 7	FIRE SAFETY REQUIREMENTS
CHAPTER 8	REFERENCED STANDARDS

**CHAPTER 1 ADMINISTRATION AND ENFORCEMENT**

- 101 General
- 102 Applicability

The *District of Columbia Property Maintenance Code* (2013), referred to as the "*Property Maintenance Code*," consists of the 2012 edition of the *International Property Maintenance Code*, published by the International Code Council (ICC), as amended by the *District of Columbia Property Maintenance Code Supplement* (2013) (12 DCMR G). The *International Property Maintenance Code* is copyrighted by the ICC and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ipmc/2012/index.htm?bu=IC-P-2012-000006&bu2=IC-P-2012-000019>.

- 103 Department of Consumer and Regulatory Affairs
- 104 Duties and Powers of the Code Official
- 105 Approval
- 106 Violations
- 107 Notice and Orders
- 108 Unsafe Structures Premises and Equipment
- 109 Emergency Measures

*Strike Chapter 1 of the International Property Maintenance Code in its entirety and insert new Chapter 1 in the Property Maintenance Code in its place to read as follows:*

## **101 GENERAL**

**101.1 Title.** The *D.C. Property Maintenance Code* (2013), hereinafter referred to as the “*Property Maintenance Code*,” shall consist of the 2012 edition of the *International Property Maintenance Code*, as amended by the *D.C. Property Maintenance Code Supplement* (2013) (12 DCMR G).

**101.2 Scope.** The scope of the *Property Maintenance Code* shall be as defined in Section 101.4.5.2 of 12 DCMR A.

**101.3 Intent.** The intent of the *Property Maintenance Code* shall be as defined in Section 101.4.5.3 of 12 DCMR A.

**101.4 Severability.** The provisions of Sections 102.5, Partial Invalidity, and 102.5.1, Segregation of Invalid Provisions, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

## **102 APPLICABILITY**

**102.1 Conflicting provisions.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of the *Property Maintenance Code* and its referenced standards, the provisions of the *Property Maintenance Code* shall apply. Where, in a specific case, different sections of the *Property Maintenance Code* specify different requirements, the most restrictive shall govern.

**102.2 Maintenance.** Equipment, systems, devices and safeguards required by the *Property Maintenance Code* or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working order. The requirements of the *Property Maintenance Code* are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *owner’s* designated agent shall be responsible for the

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maintenance of buildings, *structures* and *premises*.

**102.3 Application of other codes.** Repairs, additions, demolition, razing or alterations to a structure, or changes of use or occupancy, shall be done in accordance with the provisions of the *Construction Codes*. Nothing in the *Property Maintenance Code* shall be construed to cancel, modify or set aside any provision of the *Construction Codes* or the *Zoning Regulations*, Title 11 DCMR.

**102.4 Existing remedies.** The provisions in the *Property Maintenance Code* shall not be construed to abolish or impair existing remedies of the District of Columbia or its officers or agencies relating to the condemnation, removal or demolition of any structure which is dangerous, unsafe and/or unsanitary, the abatement of nuisance property, or the maintenance of vacant buildings.

**102.4.1 Code precedence.** If a conflict arises between the *Housing Code*, Title 14 DCMR, and the *Property Maintenance Code*, the provisions of the *Property Maintenance Code* shall take precedence.

**Exception:** The provisions of the *Property Maintenance Code* shall not be deemed to nullify any tenant rights established by Section 115 of the *Housing Code*, 14 DCMR.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the *Property Maintenance Code* shall be executed and installed in a workmanlike manner, installed in accordance with the manufacturer's installation instructions, and use materials of a quality and kind suitable for the purpose for which used and of a kind normally used in the applicable trade.

**102.6 Historic buildings.** The provisions of the *Property Maintenance Code* shall not be mandatory for historic buildings or structures meeting the requirements of Chapter 11 of the *Existing Building Code*, when such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

**102.7 Referenced codes and standards.** The provisions of Section 102.4, Referenced Standards, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**Exception:** Where enforcement of a *Property Maintenance Code* provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

**102.8 Matters not covered by the code.** Requirements necessary for the strength, stability or

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proper operation of an existing fixture, structure or equipment, or for the public health, safety and welfare, not specifically covered by the *Property Maintenance Code*, shall be determined by the *code official*.

**102.9 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of the *Property Maintenance Code*.

**102.10 Other laws.** The provisions of the *Property Maintenance Code* shall not be deemed to nullify any provisions of local or federal law.

**102.11 Special flood hazard areas.** The storage of equipment or materials that are listed as dangerous materials in 20 DCMR § 3106.2 or that will affect either the base flood elevation or the floodway in any Special Flood Hazard Area, as delineated on the Federal Emergency Management Agency's Flood Insurance Rate Map for the District (20 DCMR § 3101.2), shall be required to obtain a building permit from the Department of Consumer and Regulatory Affairs, pursuant to 12 DCMR A § 105, and comply with the requirements of 20 DCMR Chapter 31.

## **103 DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**

**103.1 Department of Consumer and Regulatory Affairs.** The provisions of Section 103, Department of Consumer and Regulatory Affairs, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**103.2 Liability.** The provisions of Section 104.8, Relief from Personal Liability, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**103.3 Fees.** The fees for activities and services performed by the Department of Consumer and Regulatory Affairs in carrying out its responsibilities under the *Property Maintenance Code* shall be paid in accordance with the applicable fee schedule published in 12 DCMR L as amended from time to time.

## **104 DUTIES AND POWERS OF THE CODE OFFICIAL**

**104.1 General.** The *code official* shall enforce the provisions of the *Property Maintenance Code*.

**104.1.1 Rulemaking authority.** The provisions of Section 104.1.1, Legal Authority, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**104.2 Inspections.** The *code official* is authorized to ~~shall~~ make all of the required inspections.

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~~or shall have authority to accept reports of inspection by approved agencies, or individuals approved by the code official. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.~~

**104.3 Right of entry.** The *code official* is authorized to enter a structure or *premises* at all reasonable times to inspect and for the purpose of enforcing the *Property Maintenance Code*, subject to constitutional restrictions on unreasonable searches and seizures, and subject to the provisions of this Section. If entry is refused or not obtained, the *code official* is authorized to obtain an administrative search warrant issued pursuant to D.C. Official Code § 11-941 (2001) or D.C. Superior Court Civil Rule 204 or to pursue any other recourse as provided by law.

**104.3.1 Right of entry – housing business license property.** The *code official*, both prior to the issuance of a *housing business* license and during the license period, ~~may~~ is authorized, at all reasonable hours, enter and inspect the *premises* occupied or to be occupied by a *housing business* except as provided in Section 104.3.2

**104.3.2 Right of entry of housing business license property with tenant.** If it appears that any portion of a *premises* is under the exclusive control of a *tenant*, or if the operator of a *housing business* so claims, the *code official* shall not enter that portion of the *premises* without first having obtained permission from the *tenant* or the *tenant's* agent, except as provided in Section 104.3.3.

**104.3.3 Tenant refusal to permit inspection.** If a *tenant* of a *housing business* does not give permission to inspect that portion of the *premises* under the *tenant's* exclusive control, the *code official* shall not enter that portion of the *premises* unless the *code official* has:

1. A valid administrative warrant permitting the inspection, issued pursuant to D.C. Official Code § 11-941 (2001) or D.C. Superior Court Civil Rule 204; or
2. A reasonable basis to believe that exigent circumstances require immediate entry into that portion of the *premises* in order to prevent any *imminent danger* to the public health or welfare.

The refusal of any *tenant* to permit such an inspection shall not result in the revocation or suspension of the *housing business* license, nor shall such refusal result in the assessment of penalties against the *operator* of a *housing business*, provided however, that when the *code official* presents a valid administrative search warrant that permits inspection of *premises* under a *tenant's* exclusive control, the *tenant* of a *housing business* who refuses to give permission to inspect that portion of the *premises* shall be in violation of the

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*Property Maintenance Code.*

**104.3.4 Refusal to permit inspection.** If the *owner* or *operator* of a *housing business*, or agent of such *owner* or *operator*, refuses to permit the *code official* to inspect the *premises* occupied or to be occupied by a *housing business*, such refusal shall be cause for withholding the issuance of a license for those *premises* until the inspection is permitted, and/or cause for the revocation of any existing license.

**104.3.4.1** As a condition of receiving a *housing business* license under D.C. Official Code § 47-2828 (2005 Repl.), the *owner* or *operator* of a *housing business* must agree to:

1. Allow access to the *Department* for any inspection required under the *Construction Codes*; and
2. Notify any affected *tenant* whose unit requires inspection.

**104.4 Identification.** The provisions of Section 104.5, Credentials, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**104.5 Notices and orders.** The *code official* is authorized to ~~shall~~ issue all necessary notices or orders to ensure compliance with the *Property Maintenance Code*, ~~and to institute administrative and legal actions to correct violations or infractions, including actions pursuant to An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 et seq. (2012 Supp.)), and the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2002, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-3171.01 et seq. (2010 Repl.)).~~

**Comment [J1]:** Conforming language from 12 DCMR A

**104.6 Department records.** The provisions of Section 104.7, Department Records, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**104.7 Coordination of inspections.** Whenever in the enforcement of the *Property Maintenance Code* or another code or ordinance, the responsibility of more than one *code official* of the District is involved, it shall be the duty of the *code officials* involved to coordinate their inspections and administrative orders as fully as practicable so that the *owners* and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders.

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## 105 APPROVAL

**105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of the *Property Maintenance Code*, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* representative, provided the *code official* shall first find that special individual reasons makes the strict letter of the *Property Maintenance Code* impractical, that the modification is in compliance with the intent and purpose of the *Property Maintenance Code*, and that such modification does not lessen health, life and fire safety requirements or violate District law or regulations. The details of any action granting modifications shall be recorded and entered in the Department files.

**105.2 Alternative materials, methods and equipment.** The provisions of Section 104.11, Alternative Materials, Equipment, Methods of Construction and Design, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of the *Property Maintenance Code*, or evidence that a material or method does not conform to the requirements of the *Property Maintenance Code*, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

**105.3.1 Test methods.** Test methods shall be as specified in the *Property Maintenance Code* or by other recognized and accepted test methods in the industry. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an agency *approved* by the *code official*.

**105.3.2 Test reports.** The provisions of Section 104.7, Department Records, of 12 DCMR A, regarding retention of test reports, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**105.4 Used material and equipment.** The provisions of Section 104.9.1, Used Materials, Equipment and Devices, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**105.5 Permits for repairs and improvements.** Any repair or improvement which may be required by a notice issued under the authority of the *Property Maintenance Code* for which a permit is required shall not be made until that permit has been issued by the District.

**105.5.1 Compliance with applicable laws.** All work under a permit shall be done in accordance with all applicable laws and regulations. The provisions of Section 102.4.1, Conflicts, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

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## 106 VIOLATIONS

**106.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of the *Property Maintenance Code*.

**106.2 Notice of violation or order.** ~~The code official shall serve a~~ Service of a notice of violation or order shall be ~~in accordance with Section 107.~~

**106.3 Code official authority. Prosecution of violation.** ~~Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense. If the violator does not comply with the notice of violation.~~ Whenever ~~the code official~~ has reasonable grounds to believe that a violation of the *Property Maintenance Code* exists, he or she is authorized, either singularly or in combination, ~~may~~, in addition to any other remedies or penalties otherwise available to the ~~code official~~ in the *Property Maintenance Code* or otherwise:-

1. ~~I~~ institute the appropriate proceeding at law or in equity to prosecute, restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of the *Property Maintenance Code* or of the order or direction made pursuant thereto;
2. Issue a notice of violation, which may afford the person responsible for the correction of the violation an opportunity to abate the violation;
3. Issue a notice of infraction, assessing a fine for the violation;
4. Issue a combined notice of violation and notice of infraction;
5. Issue any other order or notice authorized to be issued by the code official;
6. If orders are issued for one (1) or more violations specified, and no appeal from the orders has been taken, and reinspection of the premises indicates that one or more of the items have not been corrected, then the Director or his or her authorized representative may issue a notice requiring a deposit of collateral for uncorrected violations;

### AOBA COMMENTS ON PROPOSED CHANGES TO 106.3

AOBA changes reflect **14 DCMR 108.1** "If orders are issued for one (1) or more violations specified in subsection 108.2 or 108.3, and no appeal from the orders has been taken, and reinspection of the premises indicates that one or more of the items have not been corrected, then the Director or his or her authorized representative may issue a notice requiring the deposit of collateral for the uncorrected item or items."

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7. Effect summary correction of the violation, or demolition of the structure, as authorized by law; or-
8. Refer the property to the Board of Condemnation of Insanitary Buildings (BCIB) for condemnation proceedings pursuant to D.C. Code § 6-902, *et seq.*

**106.4 Violation fines and penalties.** Any person who violates a provision of the *Property Maintenance Code*, or fails to comply therewith or with any of the requirements thereof, shall be subject to the penalties established hereafter and shall be subject to prosecution. In the event of any failure to comply with any provision of the *Property Maintenance Code* following service of a notice of violation or order in accordance with Section 107, each and every day such violation continues shall constitute a separate offense.

**106.4.1 Penalties.** Any person who violates any of the provisions of the *Construction Codes* or orders issued under the authority of the *Construction Codes*, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$2,000, or by imprisonment not exceeding 90 days, or both, for each such offense. Each day a violation continues shall be deemed a separate offense. Prosecutions pursuant to this section shall be brought in the name of the District of Columbia by the Attorney General for the District of Columbia.

**106.4.2 Additional penalty.** Civil fines, penalties, and fees may be imposed, in addition to other available remedies, for any infraction of the provisions of the *Construction Codes*, including the provisions of the *Property Maintenance Code*, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §2-1801 *et seq.* (2011 Supp.)) (“Civil Infractions Act”). ~~Violation of the provisions of the *Property Maintenance Code* shall be deemed a strict liability offense for which a fine may be imposed pursuant to the *Civil Infractions Act* and Title 16 of the DCMR. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense.~~ Adjudication of any infraction shall be pursuant to the *Civil Infractions Act*.

#### AOBA COMMENT ON 106.4.2

**AOBA Comment:** The proposed change to the most recent DCRA language is necessary to reflect the language in the Notice of Proposed Rulemaking, amendment adopted by the Property Maintenance TAG, and current version of IPMC 106.3

**PM-106.3 Prosecution of Violation.** Any person failing to comply with a notice of violation or order served in accordance with Section PM-107 shall be deemed guilty of a misdemeanor **and the violation shall be deemed a strict liability offense.** If the notice of violation is not complied with, in

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addition to any other remedies or penalties otherwise available to the code official in the *Property Maintenance Code* or otherwise, the code official may institute the appropriate proceeding at law or in equity to prosecute, restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of the *Property Maintenance Code* or of the order or direction made pursuant thereto.

**See also PMC-PropM-1-1-13, filed 5-14-2012, approved by the Property Maintenance TAG: 106.3**

**Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, in addition to any other remedies or penalties otherwise available to the *code official* in the *Property Maintenance Code* or otherwise, the *code official* may institute the appropriate proceeding at law or in equity to prosecute, restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of the *Property Maintenance Code* or of the order or direction made pursuant thereto.

**106.4.3 Culpability.** Any person, including a *tenant*, who causes a violation of the *Property Maintenance Code*, is subject to the same penalties as those provided in Section 106.4.

**106.4.4 Separate offenses.** The penalties prescribed in Section 106.4 shall be applicable to each separate offense.

**106.4.5 Housing business license.** The violation of any of the provisions of the *Property Maintenance Code* may be grounds for denial, suspension or revocation of any *housing business* license or license endorsement under Chapter 28 of Title 47 of the D.C. Official Code and/or the *Housing Code*, Title 14 DCMR.

**106.5 Abatement of violation.** Notwithstanding any other penalties or remedies set forth in Section 106.4, where any person violates a provision of the *Property Maintenance Code*, or fails to comply therewith or with any of the requirements thereof, following notice as prescribed in Section 107 of this chapter, the *code official* may cause such condition to be corrected. The costs of any corrective action, and all expenses incident thereto, shall be ~~deemed a special assessment and shall be~~ assessed as a tax against the property on which the violating condition existed, ~~bear interest and be such tax shall be carried on the regular tax rolls of the District, and~~ be collected in the same manner as ~~delinquent general taxes in the District are collected in accordance with -~~ D.C. Official Code § 47-1205. Nothing herein shall be construed to abolish or impair existing remedies relating to abatement of nuisance property, including, but not limited to, Chapters 31 and 31A of Title 42 of the D.C. Official Code.

## 107 NOTICES AND ORDERS

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**107.1 Notice to owner or to person or persons responsible.** In addition to other penalties authorized by statute or regulation, whenever the *code official* determines that there has been a violation of the *Property Maintenance Code* or has grounds to believe that a violation has occurred, the *code official* is authorized to serve one or more of the following notices or orders, which may impose a fine or other penalty, on an owner notice shall be given to the owner or the person or persons responsible therefore, in the manner prescribed in Sections 107.2 and 107.3. Notices for closure procedures pursuant to Section 108 shall also comply with Section 108.3.

1. A notice of violation;
2. A notice of infraction;
3. A combined notice of violation and notice of infraction; or
4. Any other order or notice authorized to be issued by the *code official*.

**107.1.1 Applicable procedures.** Service of a notice of violation or order shall be in the manner prescribed in Sections 107.2 and 107.3, except as otherwise provided herein. Notices of infraction shall be issued in accordance with the procedures and fine amounts set forth in Section 201 of the *Civil Infractions Act* and Title 16 of the DCMR.

**107.1.2 Code official discretion.** Issuance of a notice of violation, notice of infraction, or combined notice of violation and notice of infraction pursuant to this section, prior to taking other enforcement action, is at the discretion of the *code official*. Failure to issue a notice of violation, notice of infraction, or combined notice of violation and notice of infraction shall not be a bar or a prerequisite to criminal prosecution, civil action, corrective action, or civil infraction proceeding based upon a violation of the *Property Maintenance Code*.

**107.1.3 Historic Preservation.** Additional notice procedures may apply to historic buildings pursuant to D.C. Code § 6-801 *et seq.*

**Comment [J2]:** Provision carried forward from 14 DCMR; inadvertently omitted.

**107.2 Form of notice of violation or order.** A notice of violation or order shall direct the discontinuance of the illegal action or condition and/or require abatement of the illegal action or condition, and must: ~~The notice prescribed in Section 107.1 must: . The notice prescribed in Section 107.1 must:~~

1. Be in writing;

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2. Include the name and address of the person or entity being cited;
3. Include a description of the real estate sufficient for identification;
4. Include a statement of the violation or violations, the code section(s) violated and why the notice is being issued;
5. Include, if the notice or order affords an opportunity to abate a violation, a reasonable period of time by which the required repairs and improvements must be made;
6. Include, if applicable, a specific time by which unsafe or imminently dangerous premises shall be closed, barricaded and/or vacated, or equipment placed out of service;
- ~~5-7.~~ Include a statement informing the property owner of the right to appeal pursuant to Section 107.8; and
8. Include a statement of the District of Columbia's right in accordance with Section 106.5 to abate the violation without the owner's consent if the owner fails to comply with the notice or to file a timely appeal, to assess the costs of such abatement against the owner, and to place file a tax lien on the property in accordance with Section 106.5 for the costs of such abatement.

**107.2.1 Special provisions for closure orders.** Where the *code official* issues an order to close and barricade a residential structure or dwelling unit, pursuant to Section 108.3, the closure order shall specify a date by which tenants or occupants of the structure or unit are required to vacate the structure or unit; such time period shall be sufficient to allow the owner to comply with the closure order. A copy of the closure order shall be provided to tenants in accordance with section 107.7. If any tenant or occupant fails to vacate the structure or unit within the time specified in the closure order, the code official is authorized to order removal of the tenant or occupant from the structure or unit [by the police department.]

**107.3 Method of service.** The *code official* shall effect service of a notice or order (not including notices of infraction) upon the property owner or person(s) responsible for the violation or violations by one of the following methods, any of which shall be deemed proper service:

1. Personal service on the property owner or persons responsible, or the agents thereof; or
2. By electronic mail to the last-known electronic mail address of the person or business to be notified, provided that a copy of the notice or order is posted in a conspicuous place in or about the structure or premises affected by such notice; or

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3. Delivering the notice to the last known home or business address of the property *owner* or persons responsible as identified by the tax records, business license records, or corporate registration records, and leaving it with a person over the age of 16 years old residing or employed therein; or
4. Mailing the notice, via first class mail postage pre-paid, to the last known home or business address of the property *owner* or persons responsible or the agents thereof as identified by the tax records, business license records or corporate registration records; or
5. If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the structure or *premises* affected by such notice.

**107.4 Unauthorized tampering.** Signs, placards, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed, obstructed or tampered with, or removed without authorization from the *code official*.

**107.5 Penalties.** Penalties for noncompliance with the *Property Maintenance Code* shall be as set forth in Section 106.

**107.6 Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or structure upon whom a notice of violation or order has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another person or entity until the provisions of the notice or order have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice or order issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice or order and fully accepting the responsibility without condition for making the corrections or repairs required by such notice or order.

**107.7 Copy of notices and orders.** After an inspection of a *dwelling unit* occupied by a *tenant*, the Director shall provide the *tenant* with a copy of any notice or order with respect to that unit issued to the *owner* pursuant to the *Property Maintenance Code*. This requirement will be satisfied by mailing a copy to the tenant by first-class mail, leaving a copy at the *tenant's* residence or any other reasonable method in the *code official's* discretion.

**107.7.1 Notification for multiple tenants.** In any instance where a violation or violations of the *Property Maintenance Code* involve more than one *tenant* of a residential building or dwelling, including violations involving common space, the *code official* shall post a copy of any notice or order issued to the *owner* pursuant to Section 107 for a reasonable time in one or more locations within the building or buildings in

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which the deficiency exists. The locations for posting the notification shall be reasonably selected to give notice to all *tenants* affected. Any *tenant* directly affected by the violation(s) shall, upon request to the *code official*, be sent a copy of the posted notification.

**107.7.2 Tampering with notification.** No person shall alter, modify, destroy, obstruct or otherwise tamper with or mutilate a notification posted under Section 107.7.1 or Section 107.3.

**107.7.3 ~~Application of~~ Exclusivity of tenant ~~other~~ notice provisions.** The *code official* shall not be subject to any other *tenant* notification provisions, except as set forth in this Section 107.7.

**107.8 Appeal and hearing.** Any person directly affected by a notice or order issued under this *Property Maintenance Code* shall have the right to appeal pursuant to Section 112, Appeals, of 12 DCMR A. The provisions of Section 112 of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference. Appeals of notices, other than notices of closure pursuant to Section 108 or *Imminent Danger* notices pursuant to Section 109, shall stay the enforcement of the notice until the appeal is heard by the Office of Administrative Hearings.

## **108 UNSAFE STRUCTURES AND EQUIPMENT**

**108.1 General.** When structures, *premises* or equipment, in whole or in part, are found by the *code official* to be unsafe or dangerous, or when a structure is found unfit for human occupancy, or is found to be unlawful, such structure may be closed by the *code official* pursuant to the provisions of the *Property Maintenance Code* and may be ~~referred~~ **considered for condemnation with referral** to the Board of Condemnation **for issuance of a condemnation order**, pursuant to An Act To create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, as amended, approved May 1, 1906 (34 Stat. 157; D.C. Official Code § 6-901 *et seq.* (2008 Repl.)).

**108.1.1 Unsafe structures.** An unsafe structure or anything attached to or connected with any building or other structure that is found to be unsafe or dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible.

**108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or

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other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the *premises* or structure.

**108.1.3 Structure unfit for human occupancy.** A *structure* is unfit for human occupancy whenever the *code official* finds that such structure is: unsafe; unlawful; or, due to the degree to which the structure is in disrepair or lacks maintenance, is unsanitary or vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by the *Property Maintenance Code*; or whenever the *code official* finds that the location of the structure constitutes a hazard to the *occupants* of the *structure* or to the public.

**108.1.4 Unlawful structure.** An unlawful *structure* is one found in whole or in part to be occupied by more persons than permitted under the *Property Maintenance Code*, or was erected, altered or occupied contrary to law.

**108.1.5 Dangerous structure or premises.** For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *Construction Codes* as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, *structure* or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or *structure*, or part of the building or *structure*, is likely to collapse partially or completely, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary

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for the support, or for any other reason, or some portion of the foundation or underpinning of the building or *structure* is likely to fail or give way.

6. The building or *structure*, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or *structure* is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or *structure* to their danger, become a harbor for vagrants, criminals or immoral persons, or enable persons to resort to the building or *structure* for committing a nuisance or an unlawful act.
8. The building or *structure* has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or *structure* provided by the *Construction Codes*, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or *structure*, used or intended to be used for dwelling purposes, that is determined by the *code official* to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system or otherwise..
10. Any building or *structure* that is determined by the *code official* to be a threat to life or health because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause..
11. Any portion of a building or *structure* that remains on a site after the demolition or destruction of the building or *structure*, or whenever any building or *structure* or portion thereof is abandoned so as to become an attractive nuisance or hazard to the public.

**108.1.6 Unserviceable equipment.** Whenever the *code official* determines that the repair record on any boiler, air conditioning system, heating equipment, elevator, moving stairway or other equipment on the *premises* or within a *structure* reflects the need for replacement of the equipment, the *code official* may declare the equipment “unserviceable” and order the replacement of the equipment.

**108.2 Closing of vacant *structures*.** If the *structure* is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the *code official*, after providing notice as

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prescribed in 108.3, is authorized to post a closure placard on the *premises* and order the *structure* closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement with private persons, and the cost thereof shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**108.2.1 Authority to disconnect service utilities.** The provisions of Section 111.3, Authority to Disconnect Service Utilities, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**108.3 Notice.** Whenever the *code official* has ~~closed~~ found a *premises* or *structure* to be unsafe or unfit for occupancy or ~~has found discontinued~~ the use of equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the *premises* or *structure* affected by such notice and shall be served on the *owner* or the person or persons responsible for the premises, structure or equipment in accordance with Section 107.3 and An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, as amended, approved March 1, 1899 (30 Stat. 923; D.C. Official Code § 6-801 *et seq.* (2008 Repl.)). If the notice pertains to equipment, it shall also be placed on the equipment ~~found to be unsafe or unlawful~~ removed from service. The notice shall be in the form prescribed in Section 107.2. The code official is authorized to order the owner to close and barricade the structure or dwelling unit within a specified period of time.

**108.3.1 Residential premises.** The code official is authorized to order tenants or occupants of residential premises to vacate the premises within a time sufficient to allow the owner to comply with the order to close and barricade the premises. If any tenant or occupant fails to vacate the premises within the time period set forth in the notice or order, the code official is authorized to order the removal of the tenants or occupants.

**108.3.1.1 Other provisions.** Notwithstanding the foregoing, if a building or part thereof has not been made safe for human occupancy within five days after notice has been served on the owner or other interested person, the code official is authorized pursuant to D.C. Code § 6-808 to order the use of a building or part thereof discontinued until it has been made safe for human occupancy.

**108.3.2 Historic Preservation.** Repairs to, or removal or demolition of, a historic landmark or building or structure located within an historic district shall comply with D.C. Code §6-801 *et seq.*

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**108.4 Placarding.** Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* ~~is authorized~~ ~~shall to~~ post on the *premises* a closure placard bearing the words “These Premises are Unsafe and Its Occupancy Has Been Prohibited by the Code Official,” or ~~shall to~~ post the defective equipment with a placard bearing the words “Removed from Service.” The placard shall include a statement of the penalties provided for occupying the *premises*, operating the equipment, or removing the placard.

**108.4.1 Removal of placard.** The *code official* shall authorize removal of the applicable placards whenever the defect or defects upon which the closure or removal from service actions were based have been eliminated. Any person who defaces or removes a placard without the approval of the *code official* shall be subject to the penalties provided by the *Property Maintenance Code*.

**108.5 Prohibited occupancy.** Any occupied *structure*, closed and placarded by the *code official*, shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment, shall be liable for the penalties provided by the *Property Maintenance Code*.

**108.6 Abatement methods.** The *owner*, *operator* or *occupant* of a *structure*, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action. Notwithstanding any other penalties or remedies set forth in Section 106.4, where the *owner*, *operator* or *occupant* of a *structure*, *premises* or equipment deemed unsafe by the *code official* fails to abate such unsafe condition following notice as prescribed in Section 107, the *code official* may cause such condition to be corrected and assess the costs of any corrective action, and all expenses incident thereto, as a tax against the property in accordance with Section 106.5.

**108.7 Record.** The *code official* shall maintain a report on an unsafe condition. The report shall state the *occupancy* of the *structure* and the nature of the unsafe condition.

**108.8 Condemnation.** The *code official* is authorized to refer a building or structure determined to be unsafe under this Section 108 to the Board of Condemnation of Insanitary Buildings for issuance of an order of condemnation pursuant to D.C. Official Code § 6-903.

## **109 EMERGENCY MEASURES**

**109.1 Imminent danger.** The *code official* is hereby authorized and empowered to order and require the occupants to vacate the *premises* forthwith when, in the opinion of the *code official*:

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there is imminent danger of failure or collapse of a building or other structure which endangers life; or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure; or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or the operation of defective or dangerous equipment.. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the [code official].” It shall be unlawful for any *person* to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

The provisions of Section 116.1, Imminent Danger, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**109.1.1 Special provisions applicable to residential premises.** Where the *code official* posts a closure or imminently dangerous notice pursuant to Section 109.1, the *code official* is authorized to order all tenants or occupants to vacate the imminently dangerous structure or *dwelling unit*. The closure notice shall include the time by which the *premises* must be vacated, provided that tenants and occupants shall be given at least 24 hours to vacate.

**109.1.2 Historic preservation.** Emergency measures affecting a historic landmark or a building or structure located within an historic district shall comply with D.C. Code § 6-803 (b).

~~109.1 Imminent danger.~~ The provisions of Section 116.1, Imminent Danger, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

~~109.1.1 Special provisions applicable to residential premises.~~ Where the *code official* posts a closure or imminently dangerous notice pursuant to Section 109.1, the *code official* is authorized to order all tenants or occupants to vacate the imminently dangerous structure or *dwelling unit*. The closure notice shall include the time by which the *premises* must be vacated, provided that tenants and occupants shall be given at least 24 hours to vacate.

~~109.1.2 Historic preservation.~~ Emergency measures affecting a historic landmark or a building or structure located within an historic district shall comply with D.C. Code § 6-803 (b).

#### **109.1.3 Imminently Dangerous Premises - Costs**

**If any residential premises, or part thereof, presents an imminent danger to the inhabitants or the surrounding community because it has been determined that it is an unsafe structure, a structure unfit for human occupancy, an unlawful structure, or a structure in which there is unsafe equipment, the *code official* may order the**

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structure closed and barricaded. If the owner fails to carry out the *code official* order within forty-eight (48) hours after service of notice, the *code official* may order the structure barricaded and may assess all reasonable costs of barricading the structure and all expenses incident thereto, including, but not limited to, administrative costs, occupant relocation costs including temporary housing, security deposits and the first month's rent if required, costs associated with cleaning the premises as defined by this subtitle, utility removal costs, court costs, fines, and penalties, as an assessment against the property.

#### AOBA COMMENTS -- PROPOSED NEW 109.1.3

**Proposed change reflects 14 DCMR 115.1 (applicable to situations involving “imminently dangerous premises”** If any residential premises, or part thereof, presents an imminent danger to the inhabitants or the surrounding community because it has been determined that it is an unsafe structure, a structure unfit for human occupancy, an unlawful structure, or a structure in which there is unsafe equipment, the Director may order the structure closed and barricaded. If the owner fails to carry out the Director's order within forty-eight (48) hours after service of notice, the Director may order the structure barricaded and may assess all reasonable costs of barricading the structure and all expenses incident thereto, including, but not limited to, administrative costs, occupant relocation costs including temporary housing, security deposits and the first month's rent if required, costs associated with cleaning the premises as defined by this subtitle, utility removal costs, court costs, fines, and penalties, as an assessment against the property

**109.2 Temporary safeguards.** Whenever, in the opinion of the *code official*, there is imminent danger due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall further cause such other action to be taken as the *code official* deems necessary to meet such emergency.

~~The provisions of Section 116.2, Temporary Safeguards, of 12 DCMR A, shall apply to the Property Maintenance Code and are hereby incorporated by reference.~~

~~**109.2 Temporary safeguards.** The provisions of Section 116.2, Temporary Safeguards, of 12 DCMR A, shall apply to the Property Maintenance Code and are hereby incorporated by reference.~~

**109.3** When necessary for the public safety, the *code official* is authorized to temporarily close sidewalks, streets, buildings, other structures, and places adjacent to such unsafe structure, and prohibit them from being used.

~~The provisions of Section 116.3, Closing Streets, of 12 DCMR A, shall apply to the Property Maintenance Code and are hereby incorporated by reference.~~

~~**109.3 Closing streets.** The provisions of Section 116.3, Closing Streets, of 12 DCMR A, shall apply to the Property Maintenance Code and are hereby incorporated by reference.~~

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~~**109.4 Emergency repairs.** The provisions of Section 116.4, Emergency Repairs, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.~~

~~**109.4 Emergency repairs.** For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible. The provisions of Section 116.4, Emergency Repairs, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.~~

~~**109.5 Costs of emergency repairs.** The provisions of Section 116.5, Costs of Emergency Repairs, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.~~

~~**109.5 Costs of emergency repairs.** Where the *code official* causes emergency work to be done pursuant to Section 109.2 or Section 109.4, the costs incurred in the performance of emergency work shall be paid from appropriations of the District of Columbia on certification of the *code official* and shall be assessed as a tax against the property on which the emergency work or repairs were performed, carried as a tax on the regular tax rolls, and collected in the same manner as real estate taxes are collected. The provisions of Section 116.5, Costs of Emergency Repairs, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.~~

~~**109.5.1 Additional costs of emergency repairs** If the *code official* determines that no other shelter is available to tenants or occupants removed from residential premises pursuant to Section 109.1, the *code official* has discretion to assess all expenses incident to tenant relocation as a cost of emergency repairs, including, but not limited to, temporary housing, security deposits and the first month's rent if required, costs associated with cleaning the premises to comply with the *Property Maintenance Code*, utility removal or disconnection costs, court costs, fines, and penalties.~~

#### AOBA COMMENTS ON 109.5.1

AOBA Comment: Delete proposed revisions to 109.5.1 and see new 109.1.3 with comments.

~~**109.6 Condemnation.** The *code official* is authorized to refer a building or structure determined to be imminently dangerous under this Section 109 to the Board of Condemnation of Insanitary Buildings for issuance of an order of condemnation pursuant to D.C. Official Code § 6-903.~~

## 110 DEMOLITION

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**110.1 Demolition of deteriorated structures.** *The code official* is authorized to initiate proceedings pursuant to D.C. Code § 42-3173 to demolish or enclose a “deteriorated structure” as defined in D.C. Code § 42-3173.01.

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## CHAPTER 2 DEFINITIONS

### 202 General Definitions

#### 202 GENERAL DEFINITIONS

*Insert the following new definitions in Section 202 of the Property Maintenance Code:*

**COMMON SPACE.** All portions of the *premises* used in common by the occupants of a *building* or *structure* not under the exclusive control of a single *tenant*.

**GROWING SEASON.** The time period from May 1<sup>st</sup> through October 31<sup>st</sup> of the same calendar year.

**HOUSING BUSINESS.** A business licensed, or required to be licensed, under D.C. Official Code § 47-2828 (2005 Repl.), including any *dwelling unit* or *rooming unit* in a residential building that is offered for rent or lease. A housing business also includes the rental of a *dwelling unit* or *rooming unit* in a residential building that the housing business owner or operator also occupies. A housing business does not include any transient housing providers, such as a hotel, bed and breakfast, inn and motel, boarding house or *rooming house*.

**QUALIFIED PERSON.** One who has received training in and has demonstrated skills and knowledge in the construction and operation of specific equipment and installations and the hazards involved.

*Strike the definitions of ROOMING HOUSE and ROOMING UNIT in Section 202 of the International Property Maintenance Code and insert new definitions in Section 202 of the Property Maintenance Code in their place to read as follows:*

**ROOMING HOUSE.** A building or part thereof that provides sleeping accommodations for three or more persons who are not members of the immediate family of the resident operator or manager, and in which *sleeping units* are not under the exclusive control of the *occupants*. The term *rooming house* shall not be interpreted to include an establishment known as, or defined in the *Construction Codes* as, a hotel, motel, inn, bed and breakfast, private club, tourist home, guest house, or other transient accommodation.

**ROOMING UNIT.** One or more *habitable spaces* forming a single habitable unit occupied or intended to be occupied for sleeping or living purposes; but not for the preparation or eating of meals.

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**SUMMARY ABATEMENT.** The process by which the *code official* may remove a nuisance from any *premises*, at the expense of the *owner* in situations where the *owner* fails to comply with or to appeal a notice, or where emergency measures are required.

**UNTENDED.** Premises or conditions that evidence a lack of care, maintenance, or management.

**VEGETATIVE GROWTH.** Vegetation of all types, including weeds, poison ivy, poison oak, poison sumac, kudzu, plants with noxious odors, and grasses ~~causing hay fever~~.

#### AOBA COMMENTS - DEFINITION OF VEGETATIVE GROWTH

Strike the phrase “causing hay fever” as it is unnecessary. All types of grass may cause hay fever. See, for example:

**Mayo Clinic:** “Seasonal hay fever triggers include: ... Grass pollen, common in the late spring and summer (<http://www.mayoclinic.com/health/hay-fever/DS00174/DSECTION=causes>).

**Australasian Society of Clinical Immunology and Allergy (ASCIA:** *Pollen from grasses*, weeds or trees *can trigger symptoms of allergic rhinitis (hay fever)* and asthma. Pollen seasons can last for several months and exposure is difficult to avoid. However, there are simple ways to prevent or reduce symptoms.

[http://www.allergy.org.au/images/stories/aer/infobulletins/2010pdf/AER\\_Pollen\\_Allergy.pdf](http://www.allergy.org.au/images/stories/aer/infobulletins/2010pdf/AER_Pollen_Allergy.pdf)

**MedLine Plus** (A service of the U.S. National Library of Medicine, National Institutes of Health) Each spring, summer, and fall, trees, weeds and *grasses release tiny pollen grains* into the air. Some of the pollen ends up in your nose and throat. *This can trigger a type of allergy called hay fever.* <http://www.nlm.nih.gov/medlineplus/hayfever.html>

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## CHAPTER 3 REQUIREMENTS

- 302 Exterior Property Areas
- 303 Exterior Structure
- 304 Interior Structure
- 308 Rubbish and Garbage
- 309 Pest Elimination
- 310 Carbon Monoxide Alarms

### 302 EXTERIOR PROPERTY AREAS

*Strike Section 302.1 of the International Property Maintenance Code in its entirety and insert new Section 302.1 in the Property Maintenance Code in its place to read as follows:*

**302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. Without limiting the generality of the foregoing, the accumulation of trash on a premises shall constitute an unsanitary and unhealthy condition if it creates a:

- (a) Harbor or concealment (including hiding places for persons);
- (b) Harbor or refuge for snakes, rodents, or other vermin, including rats and mice;
- (c) Noxious or unpleasant odor; or
- (d) Fire hazard.

*Strike Section 302.4 of the International Property Maintenance Code in its entirety and insert new Section 302.4 in the Property Maintenance Code in its place to read as follows:*

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches (203 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs; provided, however, that this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds or vegetative growth (as described below) after service of a notice of violation, the owner shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the District of Columbia. Upon failure to comply with the notice of violation, any duly authorized employee of the District of Columbia or contractor hired by the District of Columbia shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

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**302.4.1 Vegetative growth.** The following types of *vegetative growth* are prohibited:

Comment [J3]: Moved to PMC

(a) *Vegetative growth that exceeds ten inches (10 in.) in height or is untended;*

**AOBA COMMENT ON 302.4.1**

**AOBA Amendment:** proposed language is added to reflect 14 DCMR 800.10(a)

The following types of vegetative growth are prohibited:

- (a) Vegetative growth that **exceeds ten inches (10 in.) in height** or is intended;
- (b) Shrubbery that is a detriment to the health, safety, or welfare of the public;
- (c) Vegetative growth, regardless of height, that creates a harbor or concealment, including hiding places for persons and harbors or concealments for refuse or trash;
- (d) Vegetative growth that harbors, or provides a refuge for, snakes, rodents, or other vermin, including rats and mice;
- (e) Vegetative growth that creates an unpleasant or noxious odor;
- (f) Vegetative growth that constitutes a fire hazard;
- (g) Vegetative growth that creates a breeding place for mosquitoes; and
- (h) Vegetative growth that is dead or diseased

(b) *Shrubbery that is a detriment to the health, safety, or welfare of the public;* (See 14 DCMR 800.10(b))

(c) *Vegetative growth, regardless of height, that creates a harbor or concealment, including hiding places for persons and harbors or concealments for refuse or trash;* (See 14 DCMR 800.10(c))

(d) *Vegetative growth that harbors, or provides a refuge for, snakes, rodents, or other vermin, including rats and mice;* (See 14 DCMR 800.10(d))

(e) *Vegetative growth that creates an unpleasant or noxious odor;* (See 14 DCMR 800.10(e))

(f) *Vegetative growth that constitutes a fire hazard;* (See 14 DCMR 800.10(f))

(g) *Vegetative growth that creates a breeding place for mosquitoes; and* (14 DCMR 800.10(g))

(h) *Vegetative growth that is dead or diseased.* (14 DCMR 800.10(h))

**Exceptions:**

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1. Weeds, grasses, or other vegetation planted for agricultural use, if such weeds, grasses or vegetation are located at least one hundred fifty feet (150 ft.) from property zoned for nonagricultural use.
2. Healthy plants, grasses, or shrubbery in tended grounds, gardens, or landscape designed yards, which exceed 8 inches in height.

#### **302.4.2 Additional enforcement provisions.**

302.4.2.1 The owner of the premises may give written consent to the Mayor or the Mayor's designee authorizing the removal of trash or the mowing of weeds or grass pursuant to a notice of violation requiring abatement of a prohibited condition. By giving such written consent, the owner waives the right to an administrative hearing challenging the Mayor's action.

302.4.2.2 If the owner of any premises is issued a notice of violation under this Section 302 but fails to comply with the notice of violation, and another notice is issued for the same condition during the same growing season, the District may summarily abate the violating condition.

### **304 EXTERIOR STRUCTURE**

*Insert new Section 304.2.1 in the Property Maintenance Code to read as follows:*

**304.2.1 Lead-based paint; pre-1978 structures.** Peeling, flaking and chipped paint hazards shall be ~~managed~~ ~~eliminated~~ in accordance with the work practice standards for renovations set forth in regulations governing lead-based paint promulgated, or as may be promulgated, by the District's Department of the Environment (DDOE) or the federal Environmental Protection Agency, including, but not limited to, 40 CFR §745.85(a), as amended August 5, 2011, and in conformance with all pertinent lead abatement requirements in D.C. Official Code § 8-231.01 *et seq.* (2012 Supp.), including all pertinent implementing regulations.

#### **Exceptions:**

1. Structures built after 1977; or
2. Structures with documentation from an approved test in accordance with 40 CFR §745.82 (a), as amended August 5, 2011, that proves that the ~~deteriorating paint contains no lead-based paint.~~ is a lead-free unit or lead-free property.

#### **AOBA COMMENTS**

The proposed changes are necessary to reflect current District and Federal laws and regulations

The District of Columbia Property Maintenance Code (2013), referred to as the "Property Maintenance Code," consists of the 2012 edition of the International Property Maintenance Code, published by the International Code Council (ICC), as amended by the District of Columbia Property Maintenance Code Supplement (2013) (12 DCMR G). The International Property Maintenance Code is copyrighted by the ICC and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ipmc/2012/index.htm?bu=IC-P-2012-000006&bu2=IC-P-2012-000019>.

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regarding lead-based paint. DDOE and Federal laws do not require the elimination of exterior and the covering of interior lead-based paint. They require the elimination of lead-based paint hazards. Also, the law speaks to and defines the terms “lead-free unit” and “lead-free property.”

**§ 8-231.01. Definitions.**

(27) “Lead-free property” means a property that contains no lead-contaminated soil, and the interior and exterior surfaces do not contain any lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm<sup>2</sup>).

(28) “Lead-free unit” means a unit for which the interior and exterior surfaces appurtenant to the unit do not contain any lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm<sup>2</sup>), and for which the approaches thereto remain lead-safe. The Mayor, by rule, may establish a method to ensure that approaches to lead-free units remain lead-safe.

**§ 8-231.02. Prohibitions.**

(a) All dwelling units, common areas of multifamily properties, and child-occupied facilities constructed prior to 1978 shall be maintained **free of lead-based paint hazards.**

(b) No person shall apply a lead-based paint or glaze to any surface, including the interior and exterior surfaces, of any residential, public, or commercial building, bridge, or other structure or superstructure, or on any paved surface.

(c) Notwithstanding any other provision of law, the District government may deny any license, registration, or permit relating to the use or occupancy of a child-occupied facility or dwelling unit to an owner of that property if the owner is in violation of this chapter.

*Strike Section 304.3 of the International Property Maintenance Code in its entirety and insert new Section 304.3 to the Property Maintenance Code in its place to read as follows.*

**304.3 Premises identification.** Each *premises*, including buildings and *structures*, to which a street number has been assigned shall have the number displayed in conformance with the requirements specified in 12 DCMR A Section 118. The *owner* of a *premises* shall obtain a street number assignment, as applicable, pursuant to Section 118, Addresses of Premises, of 12 DCMR A. The minimum size of a street number shall be 3 inches (76 mm) high and 1/2 inch (13 mm) wide and shall be in Arabic figures on a contrasting background.

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**304.3.1** The assigned street number shall be located directly over or near the main entrance in a position easily observed and readable from the opposite side of a *public thoroughfare*.

**304.3.2** Multi-tenant buildings having separate exterior entrances with separate numbers shall post the assigned street numbers near each entrance in accordance with this section.

**304.3.3** In addition to posting the street number of the building or other structure in a position easily observed and readable from the opposite side of the *public thoroughfare* serving that entrance, the *owner* of a building or other *structure* located on a lot where the main entrance is not located at and fronting on a *public thoroughfare*, shall post the street number directly above or near the main entrance.

**304.3.4 Rear Entrance.** If the rear of a *premises*, to which a street number has been assigned, faces a street or *public thoroughfare* accessible to the public, the *owner* shall also place the street number of the main entrance in a position easily observed and readable from the street or alley serving the rear of that *premises*.

**304.3.5 Construction Sites.** Street numbers shall be posted at construction sites in a position easily observed and readable from any public street and alley serving the construction site.

**304.3.6 Private Streets.** The *owner* of a *private thoroughfare* shall provide standard street signs in compliance with Sections 118.11.3 and 118.11.4 of 12 DCMR A. The *owner* of a building, *premises*, or *structure* located on a *private thoroughfare* shall comply with the provisions of Section 304.3; provided, that the street number need not be readable from a public street if, under the circumstances, this requirement would be impracticable and the *approved* address numbers are placed in a position to be plainly legible and visible from the street or road fronting the property.

*Strike Section 304.7 of the International Property Maintenance Code in its entirety and insert new Section 304.7 to the Property Maintenance Code in its place to read as follows.*

**304.7 Roofs and drainage.** The roof and flashing shall be sound and tight and shall not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**304.7.1 Storm drainage.** Storm water shall drain into a separate storm sewer system, or a combined sewer system, or to an *approved* place of disposal.

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**304.7.2 Grading.** The yard or area at the *premises* shall be graded so that all storm drainage flows freely from all parts of the *premises* into an inlet or place of disposal that complies with Section 304.7.1, and so that the drainage shall flow away from any building on the *premises*.

**304.7.3 Water accumulation.** Yard spaces and other areas appurtenant to a residential building shall be graded to avoid the accumulation of water.

*Strike Section 304.11 in the International Property Maintenance Code in its entirety and insert new Section 304.11, to the Property Maintenance Code in its place to read as follows:*

**304.11 Chimneys and towers.** All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.11.1** Unused openings in chimneys shall be closed.

**304.11.2** All flue openings in chimneys shall be supplied with flue crocks, and metal or masonry thimbles.

*Strike Section 304.14 of the International Property Maintenance Code in its entirety and insert new Section 304.14 in its place to read as follows:*

**304.14 Insect screens.** During the period from April 15 to October 15 of each year, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

*Strike Section 304.18.3 of the International Property Maintenance Code in its entirety and insert new Section 304.18.3 in its place to read as follows:*

**304.18.3 Basement hatchways.** *Basement* hatchways that provide access to a *dwelling unit, rooming unit or housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry. Each *basement* hatchway shall be constructed and maintained to prevent the entrance of rodents, rain or surface drainage

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water into the *dwelling unit, rooming unit or housekeeping unit*.

### 305 INTERIOR STRUCTURE

*Insert new Section 305.3.1 in the Property Maintenance Code to read as follows:*

**305.3.1 Lead-based paint; pre-1978 structures.** Peeling, flaking and chipped paint shall be repaired, removed or covered in accordance with the work practice standards for renovations set forth in regulations governing lead-based paint promulgated, or as may be promulgated, by the District's Department of the Environment (DDOE) or the federal Environmental Protection Agency, including, but not limited to, 40 CFR §745.85(a), as amended August 5, 2011, and in conformance with all pertinent lead abatement requirements in D.C. Official Code § 8-231.01 *et seq.* (2012 Supp.), including all pertinent implementing regulations.

**Exceptions:**

1. *Structures* built after 1977; or
2. *Structures* with documentation from an approved test in accordance with 40 CFR §745.82 (a), as amended August 5, 2011, that proves that the deteriorating paint contains no lead-based paint.

### 308 RUBBISH AND GARBAGE

*Strike Section 308.1 of the International Property Maintenance Code in its entirety and insert new Section 308.1 in the Property Maintenance Code in its place to read as follows:*

**308.1 Accumulation of rubbish or garbage.** All *exterior property and premises*, and the interior of every structure, shall be free from any accumulation of *rubbish or garbage*. The occupant of a sleeping unit, dwelling unit, multiple occupancy or a rooming house shall not permit the accumulation of rags, waste paper, broken furniture or any combustible junk in any portions of the premises under the occupants control.

#### AOBA COMMENTS ON 308.1

**AOBA Comments:** The proposed revision (underlined language) was adopted by the Property Maintenance TAG as part of the incorporation of Title 14 of the DC Municipal Regulations into the IPMC (See PMC-PropM-3-11-13). The proposed change, together with 308.2.3 below, will set forth clear responsibilities of both tenants/occupants *and* housing providers

*Insert new Section 308.2.3 in the Property Maintenance Code to read as follows:*

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**308.2.3 Housing business.** The operator of a housing business shall not permit the accumulation or rags, waste paper, broken furniture or any combustible junk in any portions of the premises under the operator's control.

Insert new Section 308.4 in the Property Maintenance Code to read as follows:

**308.4. Condition of storage receptacles.** Persons required by this section 308 to provide and maintain storage receptacles shall keep them free of accumulated grease, filth, or insect breeding, and shall keep them in a clean condition.

## **309 PEST ELIMINATION**

*Strike Section 309 of the International Property Maintenance Code in its entirety and insert new Section 309 in the Property Maintenance Code in its place to read as follows:*

**309.1 Infestation.** All structures shall be kept free from insect and rodent infestation. The maintenance of all structures in a reasonably insect-free and rodent-free state shall be the responsibility of the owner and occupant or tenant. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken by the owner and occupant or tenant to prevent re-infestation.

**309.2 Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**309.3 Single occupant.** The occupant of a one-family dwelling or of a single-tenant non-residential structure shall be responsible for extermination on the premises.

**309.4 Non-residential multiple occupancy.** The owner of a non-residential structure containing multiple occupants shall maintain the public or shared areas of the structure and exterior property free from insects, rodents and rodent harborages. It shall be the responsibility of each occupant to maintain the area occupied in a safe and sanitary condition so as to minimize the potential for infestation by insects or rodents.

**309.4.1 Infestation.** If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination; or, where the infestation is caused by defects in the structure, the owner shall be responsible for extermination.

**Exception:** A lease between owner and occupant may assign responsibility for extermination.

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**309.5 Residential multiple occupancy.** The *owner* of a *structure* containing two or more *sleeping units* or *dwelling units*, a Group R occupancy (other than a single-family *dwelling*) or a *rooming house*, shall maintain the public or shared areas of the *structure* and *exterior property* free from insects, rodents and rodent harborages. In addition, the *owner* shall provide regular extermination services that may be utilized by the *occupant* of each dwelling upon reasonable request. Each *occupant* shall maintain the occupied areas in a safe and sanitary condition so as to minimize the potential for *infestation* by insects or rodents, promptly report any *infestation* to the *owner* and request and allow the extermination services provided by the *owner*.

**309.5.1 Multiple sleeping unit or dwelling unit infestation.** Where more than one *sleeping unit* or *dwelling unit* in a *structure* is infested with insects or rodents, the *owner* shall provide extermination services at the *owner's* expense.

**309.5.2 Single sleeping unit or dwelling unit infestation.** Where only one *sleeping unit* or *dwelling unit* is infested, and there is evidence that the *occupant* has not kept their *sleeping unit* or *dwelling unit* in a safe and sanitary condition, the *owner* may charge the *occupant* for the cost of the extermination services in that *sleeping unit* or *dwelling unit*.

**309.5.3 Owner responsibility.** Where the *owner* fails to provide regular extermination services that may be utilized by the *occupant* upon reasonable request, the *owner* shall pay for all extermination services as are required.

## **310 CARBON MONOXIDE ALARMS**

*Insert new Section 310 in the Property Maintenance Code to read as follows:*

**310.1. Carbon monoxide alarms.** Effective the later of either (a) the effective date of the 2013 edition of the *Construction Codes* or (b) July 1, 2014, an *approved* carbon monoxide alarm shall be installed, in Group I and R occupancies and buildings regulated by the *Residential Code*, in the immediate vicinity of the *bedrooms* in *dwelling units* located in a building containing a fuel-burning appliance or a building which has an attached garage. Only one alarm shall be required outside each separate sleeping area or grouping of *bedrooms*. The carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. An *open parking garage*, as defined by Chapter 2 of the *Building Code*, or an enclosed parking garage ventilated in accordance with section 404 of the *Mechanical Code*, shall not be considered an attached garage.

**Exception:** A *sleeping unit* or *dwelling unit* which does not itself contain a fuel-burning appliance or have an attached garage, but which is located in a building with a fuel-burning appliance or an attached garage, need not be equipped with a carbon monoxide alarm provided that:

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1. The *sleeping unit* or *dwelling unit* is located more than one story above or below any story which contains a fuel-burning appliance or attached garage;
2. The *sleeping unit* or *dwelling unit* is not connected by ductwork or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and
3. The building is equipped with a common area carbon monoxide alarm system.

**310.1.1 Single station carbon monoxide alarms.** Single station carbon monoxide alarms shall be battery operated, or shall receive their primary power from the building wiring system. Plug-in devices securely fastened to the *structure* and installed in accordance with the manufacturer's installation instructions are deemed to satisfy this requirement. Hard wired and plug-in carbon monoxide alarms shall be equipped with battery back up.

**310.1.2 Combination smoke/carbon monoxide alarms.** Combination smoke/carbon monoxide alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke alarm features of combination smoke/carbon monoxide alarms shall be interconnected.

**310.2 Carbon monoxide detection systems.** Carbon monoxide detection systems, which include carbon monoxide detectors and audible notification appliances, installed and maintained in accordance with this section for carbon monoxide alarms and NFPA 720 shall be permitted. The carbon monoxide detectors shall be listed as complying with UL 2075.

**310.2.1 Housing business.** The *owner* or *operator* of a *housing business* shall replace or repair the carbon monoxide detectors within 15 days of receipt of written notification by an *occupant* or *tenant* that replacement or repairs are needed. The *owner* or *operator* shall ensure that a carbon monoxide detector is operable and in good repair at the beginning of each tenancy.

**310.3 Where required in existing dwellings.** Where work requiring a permit occurs in an existing *dwelling unit*, carbon monoxide alarms shall be provided in the *dwelling unit* in accordance with Section 908.7 of the *Building Code* for new construction.

**Exception:** Work involving the exterior surfaces of a *building* or *structure*, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, are exempt from the requirements of Section 310.

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## CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

- 402 Light
- 403 Ventilation
- 404 Occupancy Limits

### 402 LIGHT

#### 402.1 Habitable Space.

*Insert new subsections 402.1.1 through 402.1.13 to Section 402.1 of the Property Maintenance Code to read as follows:*

**402.1.1** Any room with more than 50 percent of any exterior wall area from floor to ceiling below ground level (using average level along each exterior wall) shall not be used as a *habitable space*, except as otherwise provided in Section 402.

**402.1.2** In a building in existence prior to June 9, 1960, where there is an existing open well or *areaway* which is three feet (917 mm) or more in width immediately adjacent to any exterior wall, that wall shall be considered above ground level for the length and depth of the open well or *areaway*.

**402.1.3** Whenever any building in existence prior to June 9, 1960 is altered to conform to the requirements of this Section 402, the newly constructed *court* or *areaway* immediately adjacent to any exterior wall shall be four feet (1219 mm) or more in width and of a depth necessary so that one-half (1/2) the height of all portions of any exterior wall of the room, measured from floor to ceiling, shall be above the ground immediately adjacent to the newly constructed *court* or *areaway*.

**402.1.4** Whenever any existing building is altered to conform to the requirements of Section 402, a permit shall be obtained from the *code official*, and all alterations must conform in other respects to the applicable requirements of the *Construction Codes* ( 12 DCMR A).

**402.1.5** *Areaways* constructed on buildings erected after June 9, 1960 shall comply fully with the applicable requirements of the *Construction Codes* (12 DCMR A) and the *Zoning Regulations* (11 DCMR).

**402.1.6** No room shall be divided in any manner into space intended for living, sleeping, eating or cooking purposes by an installed partition or divider of any type above four feet (1219 mm) in height, unless each such subdivided part complies with the requirements

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for a *habitable space*, except as otherwise provided in Section 402.

**402.1.7** The enclosure of cabinet-type kitchenettes by doors or other closing devices, where those kitchenettes are too small to be occupied when the doors or other closing devices are closed in a normal manner, and where those kitchenettes are continuously mechanically ventilated when closed, shall not be deemed to subdivide the room.

**402.1.8** If any separation of a *habitable space* leaves a clear unobstructed opening between the parts of that *habitable space* at least equal to 80 percent of the cross sectional area of that part of the *habitable space* receiving its light through any other part, that separation shall not be in violation of Section 402.

**402.1.9** Each *habitable space* shall have a glass area transmitting natural light at least equal to one-tenth of the floor area served, consisting of one or more of the following:

1. Windows;
2. Glazed doors;
3. Glazed doors with either or both side lights or transoms; or
4. Other glass construction facing directly to the outside.

**402.1.10** Rooms opening on enclosed porches and rooms lighted through sunporches, which comply with Section 402.1.9, shall be deemed to have adequate natural light.

**402.1.11** The sash area of operable windows, side lights, or transoms, the horizontal projection of the glass area of skylights, and in all other instances the gross glass area, shall be used in computing the required glass area.

**402.1.12** Any portion of any glass area facing directly on any wall, portion of a *structure*, or other light obstruction less than 3 feet (914 mm) from that glass area, shall not be included as contributing to the required natural light.

**402.1.13** At least 50 percent of the required glass area shall be a window, glazed door, side light or transom, each glazed with clear glass. Obscure glass, glass blocks or other approved translucent material may be used to transmit up to 50 percent of the required natural light.

### **402.3 Other spaces.**

*Insert new subsection 402.3.1 to Section 402.3 of the Property Maintenance Code to read as*

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follows:

**402.3.1 Bathrooms.** Each *bathroom, toilet room* or compartment, and other similar rooms shall be naturally or artificially lighted at least equivalent to the requirements of Section 402. Naturally lighted *bathrooms, toilet rooms* or compartments, and other similar rooms shall be provided with aggregate glazing area of not less than 3 square feet (0.3 m<sup>2</sup>).

## **403 VENTILATION**

### **403.1 Habitable spaces.**

*Insert new subsection 403.1.1 to Section 403.1 of the Property Maintenance Code to read as follows:*

**403.1.1** If a habitation is located on the ground floor of a residential building, the yard of the building which lies immediately outside the habitation shall be maintained clear of any obstruction to ventilation for a distance of at least 3 feet (914 mm) from the exterior wall of the building, or such further distance as may be required by any other law or regulation. A reasonable number of trees or shrubs shall not violate this section.

## **404 OCCUPANCY LIMITS**

*Insert new subsection 404.4.1.1 to Section 404.4.1 of the Property Maintenance Code to read as follows*

**404.4.1.1 Special provisions for existing high-density transient uses.** Where a hotel or motel has a valid certificate of occupancy as of [June 1, 2013], and the hotel or motel uses any sleeping room for the accommodation of a greater number of occupants than is authorized by Sections 404.4.1 and 404.5, the increased density of occupancy (referred to as "high density occupancy" or "high density use") shall be permitted only if there is compliance with the following conditions:

1. Each occupant of a high density use room shall be a transient.
2. The maximum number of occupants accommodated on any single floor of the hotel or motel shall not exceed one person for each 50 square feet (4.6 m<sup>2</sup>) the total habitable room area in all of the *rooming units* located on that floor.
3. High density occupancy rooms shall be provided with daily maid service which shall include at least one thorough cleaning of the room each day it is occupied.

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4. Each high density occupancy room shall be given a daily airing, unless the room is mechanically ventilated.

5. The beds in each high density occupancy room shall be arranged so that the head end of each bed is at least 3 feet distant from the head end of any other bed.

6. A high density use room shall be located in a hotel or a motel protected by a supervised watchman service comprised of such number of employees, with such number of watchmen's clock stations, and with inspection tours following such routes, as may be approved by the Fire Marshall.

7. Each floor and stairway in a high density use hotel or a motel shall be inspected by the employees of the supervised watchman service at least once every 30 minutes during the period beginning at 12:00 midnight and ending at 7:00 a.m. the following morning.

#### **404.7 Food preparation.**

*Insert new subsection 404.7.1 to Section 404.7 of the Property Maintenance Code to read as follows:*

**404.7.1 Facilities provided by an owner.** If an *owner* furnishes any facilities for cooking, storage or refrigeration of food that are not within a *sleeping unit* or *dwelling unit*, these facilities shall be maintained by the *owner* in a safe and sanitary condition and in good working order.

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## CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

- 503 Toilet Rooms
- 505 Water System

### 503 TOILET ROOMS

*Strike Section 503.4 of the International Property Maintenance Code in its entirety and insert new Section 503.4 in the Property Maintenance Code in its place to read as follows:*

**503.4 Floor surface.** In other than *dwelling units*, every *toilet room* floor and every wall base in a *toilet room* shall be a smooth, hard, nonabsorbent surface that permits such floor to be easily kept in a clean and sanitary condition. The wall base shall be at least 3 inches (76.20 mm) in height.

### 505 WATER SYSTEM

#### 505.4 Water heating facilities.

*Insert new subsection 505.4.1 in the Property Maintenance Code to read as follows:*

**505.4.1 Inspection.** The owner or operator of a *housing business*, with one or more *dwelling units* occupied by a *tenant* or *tenants* served by a water heating facility, shall cause the water heating facility, including the flues, vents and dampers for escape of carbon monoxide gas, to be inspected by a qualified person annually. A copy of all inspection and service reports shall be available on site.

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## CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

602	Heating Facilities
603	Mechanical Equipment
604	Electrical Facilities
605	Electrical Equipment
606	Elevators and Conveying Systems
608	Air Conditioning

### 602 HEATING FACILITIES

*Strike Section 602.3 of the International Property Maintenance Code in its entirety and insert new Section 602.3 in the Property Maintenance Code in its place to read as follows:*

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more *dwelling units*, rooming units, dormitory or guestrooms on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 15 to May 15 to maintain a temperature of not less than 68 °F (20 °C) in all habitable rooms, *bathrooms* and *toilet rooms*.

#### Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the District, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full capacity. The winter outdoor design temperature for the District shall be as indicated in appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30 °F (-1 °C), a minimum temperature of 65 °F (18 °C) shall be maintained.

*Strike Section 602.4 of the International Property Maintenance Code in its entirety and insert new Section 602.4 in the Property Maintenance Code in its place to read as follows (maintain Exceptions to this Section):*

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to May 15 to maintain a minimum temperature of 65 °F (18 °C) during the period the spaces are occupied.

#### Exceptions:

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1. Processing, storage and operation areas that require cooling or specific temperature conditions;
2. Areas in which persons are primarily engaged in vigorous physical activities.

#### AOBA COMMENTS ON 602.4

**AOBA Comments:** The proposed exception reflects language adopted by the Property Maintenance TAG on May 9, 2012. Per the amendment, the proposed language was passed by the District's Construction Codes Coordinating Board in the previous code cycle.

*Insert new Section 602.6 in the Property Maintenance Code read to as follows:*

**602.6 Inspection of heating facilities by qualified persons.** The *owner* of a multiple dwelling, containing two or more units served by a heating facility, shall cause the heating facility to be inspected by a qualified person annually. A copy of all inspection and service reports shall be available for public inspection on site in the office of the building *operator*.

### 603 MECHANICAL EQUIPMENT

#### 603.1 Mechanical appliances.

*Insert new subsection 603.1.1 to Section 603.1 of the Property Maintenance Code to read as follows:*

**603.1.1 Prohibited Locations.** Gas meters and fuel-fired appliances and equipment shall not be located in sleeping rooms, *bathrooms*, *toilet rooms*, storage closets, or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

1. The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.
2. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of the *Fuel Gas Code* Section 304.5.
3. A single wall-mounted unvented room heater is installed in a bathroom and such unvented room heater is equipped as specified in the *Fuel Gas Code* Section 621.6 and has an input rating not greater than 6,000 Btu/h (1.76 kW). The bathroom shall meet the required volume criteria of the *Fuel Gas Code* Section 304.5.

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4. A single wall-mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in the *Fuel Gas Code* Section 621.6 and has an input rating not greater than 10,000 Btu/h (2.93 kW). The bedroom shall meet the required volume criteria of the *Fuel Gas Code* Section 304.5.
5. The appliance is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an approved self-closing device. All combustion air shall be taken directly from the outdoors in accordance with the *Fuel Gas Code* Section 304.6.

## **604 ELECTRICAL FACILITIES**

*Strike Section 604.2 of the International Property Maintenance Code in its entirety and insert new Section 604.2 in the Property Maintenance Code in its place to read as follows:*

**604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

**Exception:** For installations consisting of not more than two 2-wire branch circuits, service disconnecting means shall have a rating of not less than 30 amperes.

## **605 ELECTRICAL EQUIPMENT**

*Insert new Section 605.4 in the Property Maintenance Code to read as follows:*

**605.4 Switchboards of 1000 amperes or larger.** Preventative maintenance shall be performed on switchboards having a capacity of 1000 amperes or larger as required by Article 408.23 of the *Electrical Code*, as amended.

*Strike Section 606 of the International Property Maintenance Code in its entirety and insert new Section 606 in the Property Maintenance Code in its place to read as follows:*

## **606 ELEVATORS AND CONVEYING SYSTEMS**

**606.1 General.** No elevator or conveying system, including, but not limited to, escalators, dumbwaiters, wheelchair lifts, cartveyors, manlifts and moving walks, shall be operated without a valid certificate of inspection issued by the *code official*.

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**Exceptions:**

1. Where the *code official* authorizes limited approval of use in accordance with the provisions of Section 606.2, or Section 3010.2 of the *Building Code*.
2. Elevators and conveying systems covered by the *Residential Code* where the equipment is serving one *dwelling unit*.
3. In Groups R-2 and R-3 occupancies where the equipment is serving one *dwelling unit*.

**606.2 Content of certificate of inspection; posting.** The certificate of inspection shall contain the following information, and a copy of the most current certificate of inspection shall be on display at all times within the elevator, available for public inspection in the office of the building operator, or attached to the conveying system unless exempted pursuant to Section 606.6:

**AOBA COMMENTS ON 606.2**

**AOBA Recommendation:** The proposed change maintains the language in current PM-606.1.3 which allows the building operator/owner of the elevator equipment to maintain a copy of the certificate in their office. See PM-606.1.3 Posting of Certificate. The most current certificate of inspection shall be on display at all times within the elevator or attached to the conveying system, or the certificate shall be available for public inspection in the office of the building operator.

1. The address of the structure.
2. The name and address of the owner.
3. A description of the vertical transportation equipment (e.g., escalator, elevator, dumbwaiter, wheelchair lift, moving walk or conveyor).
4. The rated load and speed.
5. A statement that the described equipment has been inspected for compliance with the requirements of the *Construction Codes*.
6. The name of the *code official*.

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7. Any special stipulations and conditions of the permit under which the equipment was installed, relocated or altered.

**606.3 Maintenance, testing, inspections.** Periodic tests and inspections shall be made by the *code official*, or by an *approved* Third Party Inspection Agency, and shall be made at the expense and responsibility of the *owner*. Except as otherwise provided for in this code, the maintenance, inspection and testing of all elevators and conveying systems and their components, including the frequency of inspections and testing, shall conform to:

**606.3.1 Elevators, escalators and other conveyances listed in ASME A17.1, Appendix N.** Inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the *code official*.

**Exception:** Units in residential use serving one family *dwelling unit*.

**606.3.2 Platform lifts and stairway chair lifts.** Inspections and testing of platform lifts and stairway chair lifts shall be performed for all units as stated in ASME A18.1, Safety Standard for Platform Lifts and Stairway Chairlifts.

**Exception:** Units in residential use serving one family *dwelling unit*.

**606.3.3 Manlifts.** Inspections and testing of manlifts shall be performed for all units as stated in ASME A90.1, Safety Standard for Manlifts.

**606.3.4 Conveyors and related equipment.** Inspections and testing of conveyors and related equipment shall be performed as stated in ASME B20.1, Safety Standard for Conveyors and Related Equipment.

**606.3.4.1 Cartveyors.** Cartveyors shall be maintained as per original equipment manufacturer's recommendations. Inspection and testing shall be at the same frequency as escalators as stated in ASME A17.1, Appendix N.

**606.4 Reports and certificates.** Where inspections and tests are not made by the *code official*, the *approved* agency shall submit a report of the inspections and tests to the *code official* on *approved* forms not more than 30 days after completion of the inspection and tests. Upon receipt of satisfactory inspection and test reports, the *code official* shall authorize the issuance of a certificate of inspection, or a renewal certificate as provided in Section 3010.9, for each unit of equipment.

**Exceptions:** The submission of test reports to the *code official* and the issuance of certificates and display of certificates is not required:

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1. In Group R-2 and R-3 occupancies where the equipment is serving one *dwelling unit*.
2. In buildings under the jurisdiction of the *Residential Code* where the equipment is serving one *dwelling unit*.

**606.5 Out of service; temporarily dormant.** A permit from the *Department* shall be required: (a) to take an elevator or conveying system out of service pursuant to ASME A17.1, Section 8.11.1.4; or (b) to place an elevator or conveying system in temporarily dormant status as set forth in Section 606.5.1.

**606.5.1 Temporarily dormant.** An elevator or conveying system shall be temporarily dormant where removed from its normal class of service for an extended period of time (not to exceed five years) by an owner's decision and not due to maintenance or repair. During this period of time, the equipment shall be secured for the benefit of public safety in accordance with the following requirements:

1. The power supply shall be disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position. This padlock shall not be removed without permission from the *code official*.
2. The unit shall be parked and the hoistway/runway doors securely bolted from opening in any plane. The means of securing the doors shall be exclusive of the interlocks.
3. A wire seal shall be installed on the mainline disconnect switch by an elevator inspector accredited by a national certifying agency and *approved* by the *code official* which wire seal shall not be removed without permission from the *code official*.
4. The equipment shall not be used again until it has been put in safe running order and passed an acceptance test, congruent with the installation date or the Code Data Tag posted on the equipment, as provided in ASME 17.1, Section 8.10, and the *owner* has obtained a valid certificate of inspection from the *code official*.
5. Annual inspections shall continue for the duration of the period that the elevator is temporarily dormant, and the inspector shall file an annual report with the *code official* to confirm that the requirements set forth in this section are met.

**606.6 Equipment in operation.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

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**Exception:** Buildings equipped with only one elevator or conveying system shall be permitted to have the elevator or conveying system temporarily out of service for testing, maintenance and/or repair.

**606.7 Renewal of certificates.** The certificate of inspection, for each elevator and conveying system, must be renewed every 24 months, or at an alternate interval specified by the *code official*, as long as the unit is in service. Renewal of the certificate of inspection will be granted upon satisfactory demonstration to the *code official* that the unit of equipment has met all of the inspections and testing required by the *Construction Codes* and referenced standards.

**606.8 Unsafe equipment.** When, in the opinion of the *code official*, an elevator or conveying system or its components are unsafe or unlawful, the *code official* is authorized and empowered to place the unit out of service, and to prohibit the operation of the equipment until the unsafe or unlawful condition is corrected. The *code official* shall post on the unsafe equipment a placard or notice bearing the words “Unsafe to Use” and may also attach a lead seal to prevent the equipment from being operated.

**606.8.1 Notification of unsafe or unlawful condition.** When an *approved* Third Party Inspection Agency inspector observes or identifies unsafe or unlawful condition(s) causing an elevator to be removed from service, the inspector shall notify the *code official* **and the owner of the equipment** immediately. The inspector is authorized to place on the unit adjudged to be unsafe or unlawful an “Unsafe to Use” placard. The *code official* **and the owner of the equipment** must be notified immediately of the Third Party Inspector’s action, pursuant to the notification procedures established by the *code official*.

**AOBA COMMENTS ON 606.8.1**

**AOBA Comments:** The proposed change will ensure that the property owner receives timely notice from the approved Third party inspection. Such notice will assist the owner in promptly responding to any enforcement action by the Code Official.

**606.8.2. Placard removal.** The *code official* shall remove the “Unsafe to Use” notice whenever the defect or defects upon which the closure action was based have been eliminated. Any person who defaces or removes an “Unsafe to Use” notice or lead seal without the approval of the *code official*, or operates the placarded equipment, shall be subject to the penalties provided by this code. An *approved* Third Party Inspector is permitted to remove an “Unsafe to Use Notice” issued by that inspector, after abatement of the unsafe or unlawful condition and appropriate reinspection of the conveyance.

**Exception:** Placarded equipment may be operated only as necessary to effectuate repairs.

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**606.8.3 Abatement methods.** The *owner* of the equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, replacement or other *approved* corrective action.

*Insert new Section 608 in the Property Maintenance Code to read to as follows:*

## **608 AIR CONDITIONING**

**608.1 General.** The *owner* or *operator* of a *housing business*, who provides air conditioning as a service either through individual air conditioning units or a central air conditioning system, shall maintain such unit or system in safe and good working condition so that it is capable of providing an inside temperature, in the rooms it is intended to serve, equal to the greater of: (a) 78 °F (26 °C); or (b) at least 15 °F (9 °C) less than the outside temperature during the period of June 15 to September 15.

**608.2 Inspection of air conditioning equipment by qualified persons.** The *owner* of a *structure* containing two or more units served by **central or shared** air conditioning equipment **(not including window air conditioning units)** shall cause the air conditioning equipment to be inspected by a *qualified person* annually. A copy of current inspection and service reports shall be available for public inspection **upon written request to the on-site in the office of the building operator.**

### **AOBA COMMENTS ON 606.8.2**

**Scope:** DCRA should focus its inspection efforts those buildings with units served by shared or central systems rather than those with window units.

**Availability of reports:** Many buildings, especially smaller buildings, do not have an onsite office where copies of the inspection and service reports can be maintained. Many, for a variety of reasons, may also lack an onsite management presence. As a result, given the scope of the proposed language, greater flexibility is needed to account for diversity of buildings.

## **(1) CHAPTER 7 FIRE SAFETY REQUIREMENTS**

- 701 General
- 702 Means of Egress
- 704 Fire Protection Systems

### **701 GENERAL**

The *District of Columbia Property Maintenance Code* (2013), referred to as the "*Property Maintenance Code*," consists of the 2012 edition of the *International Property Maintenance Code*, published by the International Code Council (ICC), as amended by the *District of Columbia Property Maintenance Code Supplement* (2013) (12 DCMR G). The *International Property Maintenance Code* is copyrighted by the ICC and therefore is not republished here. However, a copy of the text may be obtained at: <http://publiccodes.cyberregs.com/icod/ipmc/2012/index.htm?bu=IC-P-2012-000006&bu2=IC-P-2012-000019>.

*Insert new Section 701.3 in the Property Maintenance Code to read as follows:*

**701.3 Hazardous and combustible materials.** Combustible, flammable, explosive or other hazardous materials, such as paint, volatile oils and cleaning fluids, or combustible *rubbish*, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the *Building Code* and the *Fire Code*.

## **702 MEANS OF EGRESS**

*Strike Section 702.4 of the International Property Maintenance Code in its entirety and insert new Section 702.4 in the Property Maintenance Code in its place to read as follows:*

**702.4 Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and shall conform with the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. It shall be the duty of the *owner* to keep fire escapes, stairways, and other egress facilities in a good state of repair, painted and free from obstruction.

*Insert new Sections 702.5, 702.6 and 702.7 to the Property Maintenance Code to read to as follows:*

**702.5 Arrangements.** Exits from *dwelling units*, *rooming units* and *sleeping units*, including guestrooms and dormitory units, shall not lead through other such units, or through *toilet rooms* or *bathrooms*.

**702.6 Exit signs.** All means of egress shall be indicated with approved “Exit” signs where required by the *Building Code*. All “Exit” signs shall be maintained visible, and all illuminated “Exit” signs shall be illuminated at all times that the building is occupied.

**702.7 Stair identification.** The interior and exterior of all stairway doors shall be provided with signage as required by Section 1022.9 of the *Building Code*.

## **704 FIRE PROTECTION SYSTEMS**

### **704.1. General.**

*Insert new subsection 704.1.2 in the Property Maintenance Code to read as follows:*

The District of Columbia Property Maintenance Code (2013), referred to as the “Property Maintenance Code,” consists of the 2012 edition of the International Property Maintenance Code, published by the International Code Council (ICC), as amended by the District of Columbia Property Maintenance Code Supplement (2013) (12 DCMR G). The International Property Maintenance Code is copyrighted by the ICC and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ipmc/2012/index.htm?bu=IC-P-2012-000006&bu2=IC-P-2012-000019>.



**704.1.2 Fire extinguishers.** All portable fire extinguishers required by a prior or current *Building Code* or *Fire Code* shall be visible, readily accessible and maintained in an efficient and safe operating condition. Extinguishers shall be of an *approved* type. Fire extinguishers shall be maintained in accordance with NFPA 10 as referenced in the *Fire Code*.

*Insert new Section 704.5 in the International Property Maintenance Code to read as follows:*

**704.5 Fire alarm systems.** Fire alarm systems shall be continuously maintained in accordance with applicable NFPA requirements or as otherwise directed by the *code official*.

**704.5.1 Manual fire alarm boxes.** All manual fire alarm boxes shall be operational and unobstructed.

**704.5.2 Fire alarm signage.** Where fire alarm systems are not monitored by a supervising station, an approved permanent sign shall be installed adjacent to each manual fire alarm box that reads: “**WHEN ALARM SOUNDS CALL FIRE DEPARTMENT**”.

**Exception:** When the manufacturer has permanently provided this information on the manual fire alarm box.

**704.5.3 Fire alarm notice.** In accordance with the requirements of the Fire Alarm Notice and Tenant Fire Safety Amendment Act of 2009, effective March 11, 2010 (D.C. Law 18-116; D.C. Official Code § 6-751.11 (2011 Repl.), the *owner* of a *building* containing four or more *dwelling units*, *rooming units* or *sleeping units* shall post in conspicuous places in the *common space* of the *building*, and distribute to each *tenant* or unit *owner*, a written notice that provides information about fire alarm systems in the *building*. The notice shall be on a form developed and published by the *code official* in English and in the languages required under section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933 (2007 Repl.).

*Insert new section 704.6 in the Property Maintenance Code to read as follows:*

**704.6 High rise buildings.** The *owner* of a *high-rise building* shall:

1. Prepare and maintain a fire safety and evacuation plan for the building; and
2. Conduct fire drills at least once every year.

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## CHAPTER 8 REFERENCED STANDARDS

*Strike the ASME referenced standard in Chapter 8 of the International Property Maintenance Code in its entirety and insert the following new ASME referenced standards in its place to read as follows:*

ASME

American Society of Mechanical Engineers

Three Park Avenue

New York, NY 10016-5990

Standard Reference Number	Title	Referenced in code section number
A17.1 /CSA B44- 2010	Safety Code for Elevators and Escalators	606.2.1, 606.2.4.1
A18.1-2008	Safety Standard for Platform Lifts and Stairway Chairlifts	606.2.2
A90.1-2009	Safety Standard for Manlifts	606.2.3
B20.1-2009	Safety Standard for Conveyors and Related Equipment	606.2.4

*Insert a new NFPA referenced standard in Chapter 8 of the Property Maintenance Code to read as follows:*

<hr/>		
<b>NFPA</b>		
National Fire Protection Association 1 Batterymarch Park Quincy, MA 02169		
<hr/>		
Standard Reference Number	Title	Referenced in code section number
<hr/>		
720-05	Standard for the Installation of Carbon Monoxide (CO) Warning Equipment in Dwelling Units	310

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*Insert a new UL referenced standard in Chapter 8 of the Property Maintenance Code to read as follows:*

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UL	Underwriters Laboratories, Inc. 333 Pfingsten Road Northbrook, IL 60062	
<hr/>		
Standard Reference Number	Title	Referenced in code section number
<hr/>		
2304-08	Single and Multiple-station Carbon Monoxide Alarms	310
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